

# NPDES 1<sup>ST</sup> SUBMITTAL TO ECOLOGY

2019-2024 Phase I Permit

Executive Briefing, June 19, 2020

# Timeline:

July 2019 - Ecology issues 2019-2024 Phase I Permit

Sept 2019 thru June 2020 - County revises stormwater enforceable documents



July 1, 2020 - County Executive submits draft revisions to Ecology

July thru August 2020 - Stakeholders review and comment on drafts

July thru Oct 2020 - Ecology reviews County's draft submittal (120 days)

Nov 2020 thru Jan 2021 - County completes post-Ecology review revisions


Feb 2021 thru March 2021 - Planning Commission process

April thru **June 5, 2021** - County Council process

**June 5, 2021** - Council adoption deadline (to meet effective date deadline)

July 1, 2021 - Statutory deadline for effective date of regulations

# Submittal Requirements:

1. Revised enforceable documents
  2. Table 10.1 – Nine significant changes identified by Ecology
  3. Table 10.2 – Additional significant changes identified by the County
  4. Transmittal letter signed by County Executive
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# Enforceable Documents included in this update:

## Snohomish County Code:

Chapter 30.63A Drainage

Chapter 30.63B Land Disturbing Activity

## Stormwater Drainage Manual:

Volume I - Minimum Technical Requirements

Volume II - Construction Stormwater Pollution Prevention BMPs

Volume III - Hydrologic Analysis and Flow Control BMPs

Volume IV - Source Control BMPs

Volume V - Runoff Treatment BMPs

Volume VI - Stormwater Facility Maintenance

#	Ecology Significant Change	Effect
1	Revise requirements for the hydrologic models used to design flow control facilities, stormwater treatment facilities, and LID BMPs.	Minor impact to County or customer. Public and private designers will have to use the most recent version of hydrologic models, but the modeling requirements and outcomes have little change.
2	Change 'cost cap' exemption calculation for commercial / industrial redevelopment to be based on value of improvements within limits of site disturbance, rather than value of improvements on entire parcel.	Commercial and industrial projects will more often exceed the 50% valuation threshold and be subject to minimum requirements 1-9 instead of only minimum requirements 1-5. This change would require more redevelopment projects to build flow control and treatment facilities for the redeveloped area.
3	Revise redevelopment project thresholds to allow providing flow control and treatment for an equivalent area, on or off the project site.	This allows more flexibility in developing and placing stormwater facilities; also requires additional tracking of stormwater accommodations to ensure they are accounted for in future development proposals.
4	Revise some of the 13 Construction Stormwater Pollution Prevention Plan (SWPPP) elements.	Minimal impact to County or customer. Minor changes, most far reaching one is folding in the requirement to use the current hydrologic model (required in Change #1).
5	Revise Minimum Requirement 5 to require BMP T5.13 (Soil Quality and Depth) when choosing to use the LID Performance Standard for Minimum Requirement 1-5 projects.	This could expand the frequency of the required use of BMP T5.13 and increase the demand for quality top soil.
6	Revise Minimum Requirement 7 (Flow Control) to require that a Threshold Discharge Area discharging to a marine waterbody must meet all exemption requirements before it is determined to be Flow Control exempt.	This change would reduce damage to marine waters, marine shorelines, and public and private drainage systems that discharge directly to marine waters. Developments that discharge to such systems would have to meet all exemption requirements or provide flow control.
7	Revise BMP C154 (Concrete Washout Area) to clarify that auxiliary concrete truck components and small concrete handling equipment may be washed into formed areas awaiting concrete pour, while concrete truck drums must be washed either off-site or into a concrete washout area	The BMP revision will require an operational change for concrete truck drum washout.
8	Add 17 new pollution source control BMPs to Drainage Manual Volume IV.	Many of these new BMPs extend beyond development-related activities and will affect work operations for Parks, Facilities, Airport, Road Maintenance and event permits. Other BMPs will affect farming and nurseries/greenhouses, drilling operations, Fire Districts, and private property owners.
9	Revise Appendix I-C (Wetland Protection Guidelines) and Minimum Requirement 8 (Wetlands Protection) to require monitoring and modeling of high value wetlands, if the project proponent has legal access to them.	Significant additional cost / delay for public and private projects where the proponent has legal access, because wetland monitoring must be performed. However, if the proponent does not have legal access, the existing requirements apply.

# Additional significant changes identified by the County

1. “Started construction” requirements
2. Minimum requirements for pavement maintenance projects
3. Easement exemption for sfr development on large rural lots
4. Small code changes to highlight LID BMPs
5. Minor revisions to code and drainage manuals improve clarity, update code cross references
6. New volume VI of the drainage manual to consolidate BMP maintenance requirements – does not include new content except for maintenance standard for vegetated roofs, which is in Ecology’s Stormwater Manual.

# Started Construction

“Started construction” application/permit vesting criteria – If a project has not started construction by the Permit-determined deadlines, they must revise their drainage plans in accordance with the regulations in place on the deadline date, as follows:

## Deadline dates:

- ➡ For applications submitted prior to January 22, 2016, if they have not started construction by July 1, 2021, they must bring the project into compliance with the drainage regulations in place on July 1, 2021.
- ➡ For applications submitted prior to July 1, 2021, if they have not started construction by July 1, 2026, they must bring the project into compliance with the drainage regulations in place on July 1, 2026.

*The deadline dates for “started construction” are aligned with drainage code effective dates required under the Permit.*



# Started Construction

“Started construction” means the site work associated with, and directly related to the approved project is at a stage where rough grading is complete or utilities are installed. For rough grading to be considered complete, elevations are within 1 foot of final design elevations. PROVIDED, however, for public works projects performed under authority of the Director of Public Works or County Engineer which are subject to public bid laws, “started construction” means the project has been advertised per public bids laws, legislatively approved for construction, awarded to contractor, site work has begun, and the contractor has a schedule for completion.

Now? No.



Not yet.



Yes, now.





# Minimum requirements for pavement maintenance projects

Pavement maintenance and repair projects that are excluded from maintenance exemption and subject to minimum requirements based on size of the project:

- ➡ Instead of routinely being subject to MR 1-5, projects that remove and replace a paved surface to base course or lower, or repair the roadway base could be subject to MR 1-9, depending on the size of the project; and
- ➡ Resurface from gravel to chip seal is subject to MR application based on size of project.

# Easement exemption for sfr development on large rural lots

A new exemption from the easement recording requirements in MR 9 for SFR development and redevelopment on large rural lots that do not drain to the MS4.

## ➡ Applies only to:

- Single family house and appurtenances on existing lots
- Large rural (100,000 sq.ft. or larger)
- Lots that do not drain to the MS4

## ➡ Project site must be outside of critical areas

## ➡ Must record drainage site plan with maintenance responsibility clause.

# Outstanding Appeal of Phase I Permit

## 1. Puget Soundkeeper Alliance

**Issues:**      List approach to LID feasibility and LID implementation  
                    Lack of implementation requirements for watershed plans  
                    Lack of adequate standards for adaptive management program

## 2. Washington Association of Water and Sewer Districts

**Issue:**      Protection of groundwater quality from impairment resulting from  
                    discharging stormwater into to groundwater via injection wells.

*The outcome of these appeals may result in significant changes to the County's stormwater program.*

# County Executive Approval

- Sign and date the provided letter
- Send electronic copy of letter via email to Bill Leif (w/ cc to Terri Strandberg)
- By prior arrangement with Ecology, Bill will upload the letter with the rest of the packet onto our FTP site
- We will send a link to the FTP site to Ecology so they can download the documents
- Due date for submittal to Ecology is **July 1, 2020**